

## REMARKS

In the Office Action dated January 29, 2003, the Examiner rejected Claims 9 and 10, the Abstract and various typographical errors in the specification. Claims 9 and 10 were rejected as being obvious in light of U.S. Patent No. 5,437,828 to Shimizu et al. With specific reference to the Examiner's response to the Applicant's arguments submitted in Applicant's November 13, 2002 Amendment, the Examiner accurately points out that the third paragraph of Page 5 of the Amendment, the Applicant argued that " The Shimizu et al. patent does not disclose the method of controlling the distance between punched out segments of the film or web by using a computer that calculates the timing of hole punching actuation based on information received from an optical encoder that measures the rotation of a roller."

The Applicant would respectfully submit to the Examiner that a typographical error occurred with respect to the paragraph of Page 5 of the above noted amendment in that Shimizu et al does not disclose an apparatus for controlling the distant between punched out segments of film or web by using a computer which calculates the time of hole punching actuation based on information received from an optical encoder that measures the rotation of a roller.

In paragraph 2 of page 5 of the afore noted response, the Applicant respectfully stated that he believed previously rejected language of Claim 10 had been removed and had been rephrased in order to clarify that apparatus of the instant invention requires a computer attached to other components of the invention in a manner such that it is part of the entire invention apparatus. The Applicant had modified and submitted claim 10 to distinctly claim the combination of a communicably attached computer to an optical encoder at least one solenoid valve where the computer actuates at least one solenoid valve to thereby actuate at least one punch assembly further comprising at least one

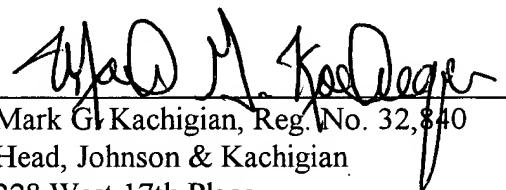
plunger containing a steel ball to strike a circular hole in a die. The Applicant, in response to the Examiner's Office Action of January 29, 2003 has again further modified his claim set to clearly express this featured limitation of his device.

Consequently it would appear clear to the Applicant that the instant invention advances the art by teaching an invention that provides an apparatus in which a framework, at least one roller attached to said framework; an optical encoder attached to the at least one roller; at least one punch assembly containing a steel ball to strike a circular hole in a die connected to said framework; at least one solenoid valve connected to said at least one punch assembly; at least one compressed air source connected to said at least one solenoid valve; and a computer communicably attached to said optical encoder and the at least one solenoid valve, wherein the computer actuates the at least one solenoid valve thereby actuating said at least one punch assembly in which film is not required to stop moving throughout a hole punching process. Thus greatly increasing the efficiency and production of the film.

The invention disclosed by Shimizu et al. however requires cessation of film movement as well as in the Shimizu et al. patent, portions of the film are removed from the film and pushed onto ends of an access for a film spindle. Movement of the film must be stopped for the entire time period required to attach two film portions to each end of the film spindle. While the Shimizu et al. patent may be a superior method for formation of film spindles, it discloses a relatively slow and poor method of efficiently producing a film having a series of holes punched through it. The "stop and start" apparatus shown in the Shimizu et al. patent is one of the short comings of the prior art that the apparatus of the present invention overcomes. Therefore, Applicant respectfully believes that the amended claims sufficiently distinguish Applicant's invention from the Shimizu et al. patent, as well as the other prior art.

It is believed that the foregoing is fully responsive to the outstanding Office Action. It is submitted that the application is now in condition for allowance and such action is earnestly solicited.

Respectfully submitted,



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May 27, 2003